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DE RUEHNY #1055/01 2961159  
ZNY CCCCC ZZH  
P 231159Z OCT 07  
FM AMEMBASSY OSLO  
TO RUEHC/SECSTATE WASHDC PRIORITY 6375  
INFO RUEHXP/ALL NATO POST COLLECTIVE PRIORITY  
RUEHBR/AMEMBASSY BRASILIA PRIORITY 0140  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 1065  
RUEHDL/AMEMBASSY DUBLIN PRIORITY 0218  
RUEHHE/AMEMBASSY HELSINKI PRIORITY 7947  
RUEHUL/AMEMBASSY SEOUL PRIORITY 0798  
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 3213  
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RUEHVI/AMEMBASSY VIENNA PRIORITY 0300  
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 0388  
RHMFSS/Joint STAFF WASHINGTON DC PRIORITY  
RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
POLO

C O N F I D E N T I A L OSLO 001055

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DEPT FOR PM, EUR/NB, EUR/RPM

E.O. 12958: DECL: 10/19/2017  
TAGS: MOPS PARM PREL NATO NO  
SUBJECT: NORWAY DISMISSES U.S. CONCERNS ON CLUSTER  
MUNITIONS

REF: A. STATE 64981  
    1B. OSLO 525

Classified By: Deputy Chief of Mission Kevin M. Johnson  
for reasons 1.4 b and d

1.(C) Summary: During his October 15-17 visit to Oslo, PM DAS Richard Kidd presented two papers outlining in detail U.S. concerns on Norway's initiative to ban some cluster munitions (CM), called the Oslo Process. Kidd met with the Norwegian MOD and MFA, leading Parliamentarians and NGOs. The leading MFA official on the Oslo Process brazenly rejected U.S. concerns and did not respond to Kidd's request for additional dialogue on potential implications of the Oslo Process. MOD officials stressed their agreement on the importance of avoiding alliance issues and stated that they would be careful to avoid a total ban on CM. However they also reiterated their support for the basic principles of the Oslo Process. The MFA's response to Kidd's visit raises concerns over the transparency of the Oslo Process as well as Norway's willingness to objectively discuss U.S. concerns or accept differing views on the issue of CM. END SUMMARY

U.S. Concerns Presented

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2.(C) In response to a previous request from Norway, reftel B, DAS Kidd presented two papers on the core U.S. concerns over the Oslo Process. The first paper highlights a problematic clause in the latest discussion text which would criminalize CM and have a huge impact on NATO/coalition operations. The second paper explains why CM have continued military utility. In all his presentations, Kidd stressed the U.S.'s unity with Norway on humanitarian concerns and a willingness to work together to make the Oslo Process a positive story. He stressed that in order to do this it was necessary to outline potential problems the U.S. sees in the Oslo Process and to discuss possible solutions.

MFA, Bordering on Rudeness, Unwilling to Listen

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3.(C) At the MFA, Kidd met with the CM working group responsible for steering the Oslo Process, headed by Stephan

Kongstad. Concerns presented in the papers and by DAS Kidd personally were rejected in a manner bordering on rudeness by the head of the CM Working Group, Stephan Kongstad. Despite Kidd,s appeal for dialogue, Kongstad brazenly dismissed U.S. concerns and clearly intends to proceed with the Oslo Process using the Ottawa land mine process as a model on how to push an issue despite U.S. and other nation's opposition.

Kongstad stated that CM are a humanitarian issue, and only secondarily a military issue. He indicated that the CCW process is dysfunctional and will not yield any progress towards an acceptable resolution on CM. He made it quite clear that the purpose of the Oslo Process is to make it politically impossible to use CM, a strategy shared by most of the NGOs involved in the process.

4.(C) Kongstad did not directly address U.S. concerns over interoperability but stated that any alliance issues are insignificant when measured against the humanitarian need. When reminded that even the land mine treaty caused significant problems for NATO, Kongstad said that this was not relevant. He also claimed that the U.S. raised the same concerns with the Ottawa land mine treaty, which proved to be unfounded. The MFA also outright rejected the U.S. position that CM have military utility and refused to answer DAS Kidd,s request for Norway,s assessment on how interoperability problems could be solved and on what type of military resource could be used to replace CM. Kongstad also rejected concerns over the Lima text saying that the text was only a discussion text and would be changed for the next meeting. He did not provide an answer to Kidd,s repeated questions on how states, concerns would be incorporated into the text. Comment: Other members of the working group did not display the same amount of hostility to the U.S. positions leading us to suspect that Kongstad,s

unprofessional behavior may stem from deep personal commitments to the cause or from personal dissatisfaction with the U.S. End Comment.

5.(C) The next day Kidd met privately with Jorg Wily Bronebakk, Special Coordinator for North American issues at the MFA. In this meeting Kidd and the Political Counselor stressed that the meeting with Kongstad and the CM group was of great concern. The U.S. expected a mature dialogue with a close ally regardless of differences over an issue. Kidd explained the need for a response to the USG papers and questions. Bronebakk took on board the need for a respectful dialogue, the U.S. concerns about the issues the present text poses and the questions about the process for reaching a final text. He explained how difficult the issue is politically due to language in the governing coalition's policy platform but argued that regardless all care must be taken to prevent damage to the bilateral relationship and NATO.

MOD: Less Ideological but Still Committed to Process

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6.(C) At the MOD, Kidd met with Espen Barth Eide, the Deputy Defense Minister, and members of the Security Policy Section. Barth Eide reaffirmed the MOD,s commitment to the Oslo Process and its belief that CM need strong regulation citing internal MOD studies which have shown that even Norway,s CM have higher than expected failure rates and represent an unacceptable humanitarian risk. However, Barth Eide and the other MOD officials displayed none of the hostility which characterized the Kongstad meeting, instead making it clear that they were also concerned to avoid any NATO problems and that they appreciated the chance to exchange views with the U.S. on this issue. Key differences from the MFA were the repeated MOD stress that a complete ban is not on the table and MOD's statement that Norway would be open to bringing the Oslo Process back into the CCW if there is a chance for progress in that forum. When these differences were pointed out, the MOD promised to meet with the MFA to explore reasons for these discrepancies.

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7.(C) Kidd also met with leading Parliamentarians from the Labor Party, the largest government party, and from the opposition. Although not as familiar with the Oslo Process as the MFA and MOD, the Parliamentarians were open to U.S. concerns and promised to raise the issues within the Labor Party and with fellow opposition members. NGO discussions focused primarily on coordination of mine clean up efforts.

Comment and Follow Up Items

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8.(C) Despite DAS Kidd,s clear and patient description of U.S. concerns, it is clear that some in the MFA see this process as Ottawa II and will continue to work closely with NGOs to pursue as close to a total ban on CM as possible. Kongstad,s response to DAS Kidd,s questions on the discussion text was disingenuous and raised concerns that the process is designed to exclude state,s perspectives. The disregard of Kidd,s reasonable request for information on how to overcome interoperability issues and generally hostile reception call into question previous statements by the MFA that they welcome discussions with the U.S. over the process.

The reception of U.S. positions and discussions was much better from the MOD but it remains unclear what influence they wield on this issue.

9.(C) In order to positively impact the Oslo process it will be important to have other NATO allies raise objections with the GON. It would also be helpful if key officials from allied militaries were invited to U.S. tests of CM under development to demonstrate both their continued utility and measures designed to minimize duds. Perhaps most importantly,

this issue needs to be raised in broader USG discussions with the GON and the potential negative impact it could have on the overall relationship must be flagged.

10.(C) Post will continue to engage on this issue and seek to obtain a draft of the proposed discussion paper for the December meeting in Vienna. We will also push the Norwegians for a paper in response to DAS Kidd,s request for the GON,s perspective on how to avoid interoperability issues.

11.(U) DAS Kidd has cleared this cable.  
JOHNSON